

NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

NOTICE OF RULEMAKING DOCKET OPENING

STATE BOARD OF DENTAL EXAMINERS

Editor's Note: The following Notices of Rulemaking Docket Opening were exempt from Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 475.)

[R14-14]

- 1. Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 11, State Board of Dental Examiners
Articles and their headings: 4, Fees
Section numbers: R4-11-401, R4-11-402, R4-11-403, R4-11-404, R4-11-405, R4-11-406
(As part of this rulemaking, the Board may add, delete, or modify additional Sections as necessary.)
- 2. Subject matter of the proposed rule**
House Bill 2744 enacted August 2, 2012 amended A.R.S. § 41-1008 to require an agency to establish or increase a fee within rules.

Per Statute, the Board is required to establish the license and renewal fee for Dentists, Dental Consultants, Dental Hygienists and Denturists at least every three years in a public meeting. To be able to collect the fee, the Board needs to establish the fees in rule. The license fees will be placed in New Section R4-11-403 License and Renewal Fees.

Other fees which need to be established in rule are:

A Business Entity Late fee - statutory authority A.R.S. § 32-1213(D),

Mobile Dental Facility and Portable Dental Unit:

Permit/registration Fee statutory authority A.R.S. § 32-1299.23(A),

Late fee statutory authority A.R.S. § 32-1299.23(A), and

Address/Contact Penalty statutory authority A.R.S. § 32-1299.23(B) will be placed in New Section R4-11-404 Mobile Dental Facility and Portable Dental Unit Fees.

The rule will include format, style, and grammar necessary to comply with the current rules of the Secretary of State and the Governor's Regulatory Review Council.
- 3. The agency docket number, if applicable:** R1401
A Citation to all published notices relating to the proceeding:
None
- 4. Name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Elaine Hugunin, Executive Director

Address: State Board of Dental Examiners
4205 N. 7th Ave., Suite 300
Phoenix, AZ 85013

Telephone: (602) 242-1492, Ext. 2001

Fax: (602) 242-1445

E-mail: elaine.hugunin@azdentalboard.us
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The Board will accept written comments Monday through Friday, 8:00 a.m. to 5:00 p.m. Oral comments may be made at the Board office Monday through Friday, 8:00 a.m. to 4:30 p.m.

Location: Arizona State Board of Dental Examiners
4205 N. 7th Ave., Suite 300

Notices of Rulemaking Docket Opening

Phoenix, AZ 85013

Written and oral comments will be accepted until the close of record on a date and time as yet undetermined.

6. A timetable for agency decisions or other action in the proceeding:

None

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF PHARMACY

[R14-15]

1. Title and its heading:

4, Professions and Occupations

Chapter and its heading:

23, Board of Pharmacy

Articles and their headings:

5, Controlled Substances Prescription Monitoring Program

Section numbers:

R4-23-501, R4-23-502, R4-23-503, R4-23-504, R4-23-505 (*As part of this rulemaking, the Board may add, delete, or modify additional Sections as necessary.*)

2. Subject matter of the proposed rule:

During the 48th Legislative Session, the Legislature passed H.B. 2136. The bill requires the Board to adopt rules establishing a controlled substances prescription monitoring program that includes a computerized central database tracking system to track the prescribing, dispensing, and consumption of Schedule II, III, and IV controlled substances that are dispensed by a medical practitioner or pharmacy that holds a valid license or permit issued under A.R.S. Title 32. The rules were made by final rulemaking at 14 A.A.R. 3410, effective October 4, 2008. Because of a mix up with the five-year review scheduled by the Governor's Regulatory Review Council for submission on August 31, 2013, the Board staff failed to meet the deadline and the rules were terminated as required by A.R.S. § 41-1056(J). The Notice of Expiration of Rules was published at 20 A.A.R. 133, January 17, 2014. The Board intends to make new rules to replace the expired rules to comply with H.B. 2136. The new rules will be placed in a new Article 5 (Controlled Substances Prescription Monitoring Program) with new Sections for: program registration, requirements for data format and transmission, access to program data, computerized central database tracking system task force, and reports. The rules will include format, style, and grammar necessary to comply with the current rules of the Secretary of State and Governor's Regulatory Review Council.

The agency docket number, if applicable: R1401

3. A Citation to all published notices relating to the proceeding:

None

4. Name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Dean Wright, Compliance Policy Advisor

Address: Board of Pharmacy
1616 W. Adams, Suite 120
Phoenix, AZ 85007-2835

Telephone: (602) 771-2744

Fax: (602) 771-2749

E-mail: dwright@azpharmacy.gov

Website: www.azpharmacy.gov

5. The time during which the agency will accept written comments:

The Board will accept written comments Monday through Friday, 8 a.m. to 5 p.m.

The time and place where oral comments may be made:

Time: Monday through Friday, 8 a.m. to 4:30 p.m.

Location: Board of Pharmacy
1616 W. Adams, Suite 120
Phoenix, AZ 85007-2835

Nature: Oral comments

Written and oral comments will be accepted until the close of record on a date and time as yet undetermined.

6. A timetable for agency decisions or other action in the proceeding:

None

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF OCCUPATIONAL THERAPY EXAMINERS

R14-19]

1. **Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 43, Board of Occupational Therapy Examiners
Article and its heading: 1, General Provisions
Section numbers: R4-43-102
2. **The subject matter of the proposed rule:**
The Board intends to amend its fee rule to make the rules consistent with the current fee structure. R4-43-102 sets the renewal fees at \$135.00 for an Occupational Therapist and \$70.00 for an Occupational Therapy Assistant. The renewal fees currently being charged are \$200.00 and \$100.00 respectively. The adjustment of renewal fees in rule will not have an economic impact on licensees because the higher fees have been charged since 2003.
3. **A citation to all published notices relating to the proceeding:**
None
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: J. Randy Frost, Executive Director
Address: 4205 N. 7th Ave. Ste. 305
Phoenix, AZ 85013
Telephone: (602) 589-8353
Fax: (602) 589-8354
E-mail: randy.frost@otboard.az.gov
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Written comments will be accepted Monday through Friday from 8:00 a.m. and 5:00 p.m. at the location listed in item #4. The schedule for oral proceedings is to be determined and will be published in a future issue of the *Register*.
6. **A timetable for agency decisions or other action on the proceeding, if known:**
To be determined.